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| 23911 | 7590 | 05/14/2009 | EXAMINER | |
| CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300 | | | GONZALEZ, PAOLO | |
| ART UNIT | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/552,139 | WIESZT, HERBERT | |
| | Examiner | Art Unit | |
| | PAOLO GONZALEZ | 4136 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10/07/2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 17-33 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 17-33 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 10/07/2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

DETAILED ACTION

1. In respond to the Preliminary Amendment filed on 10/07/2005, claims 1-16 have been canceled and the newly added claims 17-33 are pending.

Information Disclosure Statement

2. Applicant is informed that the publication of “Standklimatisierung von Nutzfahrzeugen” cited in the Information Disclosure Statement (IDS) filed on October 07, 2005 has not been considered by the Examiner, because CFR § 1.98 requirement is not met. Specifically, the concise explanation of the relevance or the English translation is missing. The documents have been placed in the application file, but the information referred to therein have not been considered as to the merits.

Specification

3. The disclosure is objected to because of the following informalities: This application claims the foreign priority benefit of German Patent Application No. 103 16 106.6 filed on April 9, 2003, however, the mention priority has not been incorporated into the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 17-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 17, 20, 21, 23, 26 and 28, the antecedent basis for “existing on-board means and resource” (as per claims 17 and 26), “which air conditioning device or devices” (as per claim 17), “the vehicle” (as per claims 20 and 28) and “the most suitable on-board means” (as per claim 26) has not been clearly set forth. In addition, as per claims 17, 21, 23 and 26, claim element “existing on-board means and resource” is a means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed structure. Further, as per claim 26, the claimed “the air conditioning assistant is automatically switched off as soon as the arrival time which has been input is attained” is misdescriptive, because “the air conditioning assistant” does not “switched off” rather it turns off or changes to inactive state.

Claims 18, 19, 22, 24, 25, 27 and 29-33 are rejected for incorporating the above errors from their respective parent claims by dependency.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17-24, 26-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muto et al (US Pat. No. 6,158,225) in view of Gudmundsen (US Pat. No. 4,909,044).

Regarding claim 17, Figs. 1, 3 and 5 of Muto et al discloses a method for stationary-mode air conditioning comprising: activating an air conditioning assistant (50)(column 7, lines 39 and 40); inputting an arrival time of a user at which a preset air conditioning state is to be reached (101)(column 6, lines 11-15; column 7, lines 1-7); sensing climatic peripheral conditions and information about existing on- board means and resources (from column 5, line 66 to column 6, line 11; column 7, lines 9-13); determining with a closed-loop control device (60) of the air conditioning assistant (50) which air conditioning measure of cooling and venting is necessary, and when this air conditioning measure has to start, from the arrival time which has been input, the climatic peripheral conditions, and information about existing on-board means and resources sensed (column 4, lines 49-67; from column 5, line 66 to column 6, line 11; column 7, lines 10-35; column 9, lines 19-42), order to attain the preset air conditioning state at the arrival time, and which air conditioning device has or devices have to be selected in order to attain the preset air conditioning state at the arrival time with the on-board means which are most suitable and with a smallest possible consumption of resources, and automatically starting the air conditioning device or the air conditioning devices at the beginning of the air conditioning measure determined (101-112)(column 7, lines 39-49; column 9, lines 19-42 and 58-67), executing the air conditioning measure determined (column 7, lines 24-27; column 9, lines 58-67), and resetting the air conditioning assistant to an inactive state as soon as the arrival time which has been input is attained (110)(column 7, lines 30-35). It is noted that Muto et al does not explicitly disclose that the step of determining which air conditioning measure of heating is necessary. However,

Gudmundsen discloses that such feature of a controller that determines which air conditioning measure of heating is necessary (column 2, lines 36-44; column 3, lines 3-7; column 7, line 34-54 and 61-68) is old and well known. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Muto et al with the feature of determining which air conditioning measure of heating is necessary as taught by Gudmundsen as both Muto et al and Gudmundsen are directed to the method for stationary-mode air conditioning, since it is well known in the art that the design/construction of controllers are alter in order to meet specific design criteria (Gudmundsen: column 7, lines 34-42), such as determining which air conditioning measure of heating is necessary.

Regarding claim 26, Figs. 1, 3 and 5 of Muto et al discloses a device for stationary-mode air conditioning comprising: air conditioning means for carrying out an air conditioning measure during the stationary-mode air conditioning (column 1, lines 7-12; column 3, lines 27-36; column 7, lines 24-27; column 9, lines 58-67); a first device for inputting an arrival time of a user at which a preset air conditioning state is to be attained (101)(column 6, lines 11-15; column 7, lines 1-7 and lines 56-63); a second device for sensing climatic peripheral conditions (from column 5, line 66 to column 6, line 11); a third device for sensing existing on-board means and resources and for outputting information about existing on-board means and resources (column 6, lines 7-11; column 7, lines 9-13); and an air conditioning assistant (50) having a closed-loop control device (60) for determining which air conditioning measure of cooling and ventilating is necessary and when this air conditioning measure has to begin in order to attain the preset air conditioning state at the arrival time (column 4, lines 49-67; from column 5, line 66 to column 6, line 11; column 7, lines 10-34 and 39-40; column 9, lines 19-42), wherein the air conditioning

means is selected in order to attain the preset air conditioning state at the arrival time with the most suitable on-board means and a minimum possible consumption of resources from the arrival time which has been input and the sensed climatic peripheral conditions, wherein the air conditioning means is automatically started at a determined starting time for the air conditioning measure (figure 5, elements 101 to 112; column 7, lines 39-49; column 9, lines 19-42 and lines 58-67), and wherein the air conditioning assistant is automatically switched off as soon as the arrival time which has been input is attained (figure 5, elements 110; cooling 7, lines 30-35). It is noted that Muto et al does not explicitly disclose that the step of determining which air conditioning measure of heating is necessary. However, Gudmundsen discloses that such feature of a controller that determines which air conditioning measure of heating is necessary (column 2, lines 36-44; column 3, lines 3-7; column 7, line 34-54 and 61-68) is old and well known. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Muto et al with the feature of determining which air conditioning measure of heating is necessary as taught by Gudmundsen as both Muto et al and Gudmundsen are directed to the method for stationary-mode air conditioning, since it is well known in the art that the design/construction of controllers are altered in order to meet specific design criteria (Gudmundsen: column 7, lines 34-42), such as determining which air conditioning measure of heating is necessary.

Regarding claims 18, 19 and 27, Muto et al discloses that manual adaptation of the preset air conditioning state is carried out (as per claims 18 and 27) or the preset air conditioning state is either an air conditioning state which is preset or an air conditioning state which is set

automatically during driving (as per claim 19)(column 6, lines 11-22; column 7, lines 1-3 and 56-60).

Regarding claims 20, 21, 28 and 29, Muto et al discloses that the sensing climatic peripheral conditions includes sensing at least one of an external temperature, a solar load, an engine temperature and a passenger compartment temperature of the vehicle (as per claims 20 and 28) or the information about existing on-board means and resources supply contains information about an existing fuel quantity or a charge state of a battery or batteries (as per claims 21 and 29)(column 6, line 7-10; column 7, lines 10-14).

Regarding claims 22 and 30, Muto et al discloses that a vehicle battery is charged via a solar panel during a predetermined time period before the start of the air conditioning measure and wherein a ventilation blower is subsequently operated at a higher ventilation setting starting from a start of the air conditioning measure from the vehicle battery which has been charged (column 9, lines 58-67). It is noted that Muto et al does not explicitly disclose shifting the start of the air conditioning measure correspondingly closer to the arrival time (as per claim 30), however, it discloses the desire of a programmable control to accomplish different task related to solar panel and the batteries. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to program the control in Muto et al to shift the start of the air conditioning measure correspondingly closer to the arrival time since Muto et al discloses the desire of a programmable control (column 6, lines 57-65) to accomplish different task relative to the solar panel and the batteries. Thus, programming the control to shift the start of the air conditioning measure correspondingly closer to the arrival time would be obvious to one of ordinary skill in the art at the time of the invention.

Regarding claim 23, Muto et al discloses that the controller having a electric power source selection control step to select at least one of the electric power sources (column 11, lines 53-63) when at least one of the electric power source is low in charge (from column 11, line 64 to column 12 line 5). It is noted that Muto et al does not explicitly discloses that a charge time of the solar panel is lengthened if the information about existing on-board means and resources indicates that a resource supply is particularly low, yet it discloses the desire of a programmable control to accomplish different task related to solar panel and the batteries. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to program the control of Muto et al to have the charge time of the solar panel lengthened if the information about existing on-board means and resources indicates that a resource supply is particularly low since Muto et al discloses the desire of a programmable control (column 6, lines 57-65) to accomplish different task relative to the solar panel and the batteries. Thus, programming the control to have the charge time lengthened would be obvious to one of ordinary skill in the art at the time of the invention.

Regarding claims 24, 31 and 33, Muto et al discloses that the closed-loop control device brings about, as an air conditioning measure, any of ventilation by a blower (column 6, line 23-33; column 7, lines 39-43; column 9, lines 19-42 and 58-67). It is noted that Muto et al does not explicitly discloses that the closed-loop control device brings about, as an air conditioning measure, any of air conditioning by an electric compressor, heating by a fossil fuel burning device (as per claims 24 and 31), and shading of the windows by roller blinds (as per claim 33) as required. However, Gudmundsen discloses that such features of the controller that brings about, as an air conditioning measure, any of air conditioning by an electric compressor, heating

by a fossil fuel burning device, and shading of the windows by roller blinds (column 2, lines 18-44; column 3, lines 3-7; column 6, lines 4-18; column 7, line 34-54 and 61-68) are old and well known. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Muto et al with the features of the closed-loop control device brings about, as an air conditioning measure, any of ventilation by a blower as taught by Gudmundsen as both Muto et al and Gudmundsen are directed to the method for stationary-mode air conditioning, so as to alter the design of the controller disclosed by Muto et al in order to incorporate the method and other components, such as insulated pads - same functional limitation as roller blinds - disclosed by Gudmundsen since it is well known in the art that the design/construction of controller are alter in order to met specific design criteria (Gudmundsen: column 7, lines 34-42). In addition, Muto et al discloses a system having I/O interface which is an input/output port , and a bus for connecting structural components, thus it would be obvious to one of ordinary skill in the art at the time was made to incorporate such insulated pads into Muto et al. system since Muto et al discloses the capability of installing structural components in to the system and since Gudmundsen disclose the desire of using such insulated pads as universal applicability to all automobiles (Gudmundsen: column 4, lines 53-60).

8. Claims 25 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muto et al. (US Pat. No. 6,158,225) in view of Gudmundsen (US Pat. No. 4,909,044) and further in view of Wenhart (US Pat. No. 5,222,661).

Regarding claims 25 and 32, Muto et al discloses that the closed-loop control device brings about selecting the start of the air conditioning measure so that it is closer overall to the arrival time (figure 5, elements 101-112; column 7, lines 1-34). It is noted that the teachings of Muto et al and Gudmundsen do not explicitly discloses that the closed-loop control device brings about automatic opening or closing of at least one of a window and a sunroof in order to attain the preset air conditioning state more quickly. However, Wenhart discloses a an control system capable of automatic opening or closing of at least one of a window and a sunroof in order to attain the preset air conditioning state more quickly (column 1, lines 6-15; from column 1, line 62 to column 2, line 12; column 3, lines 11-18; form column 3, line 64 to column 4, line 24; column 5, lines 23-29). Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method and device of Muto et al and Gudmundsen with the feature of the closed-loop control device brings about automatic opening or closing of at least one of a window and a sunroof in order to attain the preset air conditioning state more quickly as taught by Wenhart as both Muto et al, Gudmundsen and Wenhart are directed to the method for stationary-mode air conditioning, so as to program the controller to automatic opening or closing of at least one of a window and a sunroof in order to attain the preset air conditioning state more quickly.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Howard (US Pat. No. 6,662,572 B1) discloses a climate control system for a parked vehicle having a solar panel, thermostatic switch, fans and thermoelectric coolers.

Ogawa (US Pat. No. 6,701,734 B1) discloses an air conditioning devices and a control method of the devices.

Urbank et al. (US Pat. No. 6,745,582 B1) discloses HVAC system being activated automatically for pre-heating or pre-cooling the cabin following remote starting of the vehicle engine.

Yoshinori et al. (US Pat. No. 6,886,352 B2) discloses the uses of an air conditioning of a vehicle to lower the temperature of the interior of the vehicle before a driver enters the vehicle, using airflow from an air outlet

Kortum et al. (US Pat. No. 6,626,003 B1) discloses a process to cool down the interior of a vehicle using solar power.

Sundhar (US Pat. No. 4,955,203) discloses an air conditioning unit being used to cool down the interior of a vehicle using preferably at least one solar panel.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAOLO GONZALEZ whose telephone number is (571)270-1490. The examiner can normally be reached on Monday - Friday, 9:30am-3:00pm, alternating Fridays off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin M. Lateef can be reached on (571)270-1493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. G./
Examiner, Art Unit 4136
05/06/2009

/Joe H Cheng/
Supervisory Patent Examiner
Art Unit 4136